

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

UNITED STATES OF AMERICA

Cr. No. 01-30014-01

VERSUS

JUDGE ROBERT G. JAMES

ANTHONY T. BURGESS

MAG. JUDGE KAREN L. HAYES

ORDER

Because of the recent revision to the base offense levels for crack cocaine, Section 2D1.1 of the United States Sentencing Guidelines, this matter will be considered for re-calculation of sentence pursuant to 18 U.S.C. § 3582(c)(2). All cases falling under 18 U.S.C. § 3582(c)(2) will be considered in order of the current release date of each defendant, with the cases of those defendants who are closest to their release dates considered first.

IT IS ORDERED that the Office of the Public Defender is appointed to represent all defendants who are potentially affected by the revisions to the Sentencing Guidelines on crack cocaine. If a defendant retains private counsel, that counsel should enroll immediately and will be subject to the provisions of this Order.

Having reviewed the Probation Office's re-calculation of the applicable Guideline range of imprisonment and the record in this matter, including the Pre-Sentence Report, the Court finds that Defendant Anthony Burgess's guideline calculations were based on powder cocaine and marijuana, not crack cocaine. Accordingly, Defendant's guideline calculations do not change, and the Court does not intend to reduce his sentence further.

IT IS FURTHER ORDERED that the United States Attorney's Office and the attorney representing the defendant shall file within 60 days of their receipt of this Order a notice stating (1)

whether a hearing is requested or waived and (2) whether there are any objections to the recalculation and/or to the Court's proposed term of imprisonment.

It is the intent of the Court to address every defendant potentially affected by these Guideline revisions and to do so in as prompt a manner as possible.

MONROE, LOUISIANA, this 3rd day of April, 2008.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE